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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/526,520

03/03/2005

Matthias Schulist

P16105-US1

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06/04/2008

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EXAMINER

NGUYEN, HAI V

ART UNIT

PAPER NUMBER

2618

MAIL DATE

DELIVERY MODE

06/04/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/526,520	<b>Applicant(s)</b> SCHULIST ET AL.	
	<b>Examiner</b> HAI V. NGUYEN	<b>Art Unit</b> 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 17-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 April 2008 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This Office Action is in response to the communication received on 09 April 2008.
2. Claims 17-30 are presented for examination.

### ***Response to Arguments***

3. Applicant's arguments, see Applicant's remarks, pages 8-13, filed on 09 April 2008, with respect to the rejection(s) of claim(s) 17-30 under 35 USC 101, 35 USC 103(a) rejections have been fully considered and are not fully persuasive. However, upon further consideration, a new ground(s) of rejection is made as follows.

### ***Drawings***

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the element of "modulating the determined identification code onto a signal to generate an access request signal from which transmission path information may be derived" in independent claim 17 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate

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changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 17-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claims 17, 22, 27, 29 recite the limitation "...differentially identify the requesting network component (UE) from other network components (UE) based on..." in claims 17, 22, 27, 29. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 17-30 are rejected under 35 U.S.C. 102(e) as being anticipated by **Li et al US 2003/0026324 A1**.

10. As to claim 17, Li discloses a method of requesting access to a node (BS) of a wireless communications network (*Fig. 1, element MS 15 sending access signal to the element BS 13*), comprising the steps of:

- a) determining information about a transmission path (*Figs. 1, 4; the MS estimates power level  $P_i$  for its random access signal about a Random Access CHannel (RACH) channel, [0041]*) within the network;
- b) determining an identification code (*Figs. 3, 4, preamble code field sequence element, the MS selecting a preamble code, [0043], [0056]*) to differentially identify the requesting network component (UE) (*Fig. 1, element MS 15*) based on the determined transmission path information, wherein previously an association between identification codes and transmission path information has been established (*the MS generated the 2-bit power control symbol (PCS) for use as the OLPCS which is associated with the selected the RACH sub-channel code as the preamble code, [0055], [0056], [0060]*); and
- c) modulating (*varying*) the determined identification code onto a signal (*a sub-channel code, [0056]*) to generate an access request signal (*the MS generates an OLPCS signal, [0056], [0057], [0060], [0063]*) from which transmission path information may be derived (*computed*).

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11. As to claims 18, Li discloses d) analyzing (*monitoring and capturing, [0060]*) an access control signal (*a CLPCS code signal, table 3, [0055], [0060]-[0063]*) that is received in response to the access request signal and that includes access control information (AI) (*PCS symbols, [0057], [0060]*).

12. As to claims 19, Li discloses wherein the access control signal simultaneously includes access control information (AI) for a plurality of network components (UE) (*mobile stations*) and wherein the access control information (AI) for each network component (UE) is associated in the access control signal with an individual identification code (*tables 2, 3, [0058],[0060]-[0063]*).

13. As to claim 20, Li discloses, wherein the access control signal is subjected to an interference canceling step which includes subtracting (*Figs. 6, 7, element of the subtractor*) from the access control signal a compensation signal *Figs. 6, 7, element of system design parameter,  $SNR_{MS\_Target}$  signal, [0055]*) relating to access control information (AI) that is not associated with the identification code determined in step b) (*table 2, [0058]*).

14. As to claim 21, Li discloses, wherein the access request signal including the identification code determined in step b) is transmitted repeatedly using transmit power ramping (*powering up or down or no change, table 3, [0058], [0063]-[0064]*).

15. As to claim 22, Li discloses a method of controlling access to a node (BS) (*Fig. 1, element BS 13; Fig. 11, element of Receiver*) of a wireless communication, the method comprising the steps of:

a) receiving an access request signal (*BS receiving an access request signal*) onto which an identification code has been modulated (*Figs. 3, 4, preamble code field sequence element, the MS selecting a preamble code, [0043], [0056]; Fig. 11, modulator elements 18, 20 modulating the access request signal from the mobile station*), the identification codes differentially identifying the request network component (UE) from other network components (UE) (*Fig. 4, element of "data" field*);

b) analyzing the identification code to derive (*to compute*) a transmit power level therefrom, wherein previously an association between identification codes and transmit power levels has been established (*Figs. 1, 10, [0059]-[0064]; [0079]-[0082]*);

c) transmitting an access control signal (*a CLPCS code signal, table 3, [0055], [0060]-[0063]*) including access control information (AI) (*PCS symbols, [0057], [0060]*) at the transmit power level derived in step b).

16. Claims 23-24 have similar limitations of claims 18-19; therefore, they are rejected under the same rationale as in claims 18-19 above.

17. As to claim 25, Li discloses, wherein the access control signal simultaneously includes access control information (AI) for a plurality of network components (UE) which are requesting access to the node (BS) and wherein the transmit power level for the access control signal is derived and adjusted individually for each network component (UE) which requests access (*Figs. 6, 7, [0059]-[0061]*).

18. As to claim 26, Li discloses, wherein the identification code is selected out of a predefined set or range of identification codes (*Fig. 6, 7, table 3*).

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19. Claims 27, 28 correspond to the apparatus claim of claim 17; therefore, they are rejected under the same rationale as in claim 17 above.

20. Claim 29 corresponds to the apparatus claim of claim 22; therefore, it is rejected under the same rationale as in claim 22 above.

21. As to claim 30, Li discloses a receiver (*Fig. 10, Receiver element*) for receiving the access request signal onto which the identification code (*Figs. 3, 4, preamble code field sequence element, the MS selecting a preamble code, [0043], [0056]*) has been modulated; and a transmitter (*Fig. 10, Transmitter element*) for transmitting the access control signal (*a CLPCS code signal, table 3, [0055], [0060]-[0063]*) at the transmit power level derived (*computed*) by the derivation unit, wherein the access control signal includes access control information (*PCS symbols, [0057],[0060]*) and, preferably, the identification code which has been modulated onto the received access request signal.

22. Further references of interest are cited on Form PTO-892 which is an attachment to this action.



### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAI V. NGUYEN whose telephone number is (571)272-3901. The examiner can normally be reached on 6:00-3:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Anderson can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hai V. Nguyen/  
Examiner, Art Unit 2618

/Matthew D. Anderson/  
Supervisory Patent Examiner, Art Unit 2618